IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7443 OF 2004

Jasvindersingh M.Abbrol
Prop. of Hardeep Punjab
Restaurant and Bar .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.P.C.Kansara for the petitioner.
Mr.D.A.Patil for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 20TH SEPTEMBER, 2004

P.C.:

. Heard Mr.Kansara, learned counsel for the petitioner and Mr.Patil, learned A.G.P. for the respondents.

2. Rule, returnable forthwith.

3. Mr.Patil, learned A.G.P. waives service for the respondents. By consent of the parties heard finally.

4. The petitioner has filed appeal under section 33 of the Bombay Police Act before the State Government on 30.7.2004 against the order

dated 29.6.2004 passed by respondent no.3. Respondent No.3 has neither passed any interim order nor heard the appeal so far. In view thereof the petitioner has approached this court seeking interim stay to the order dated 29.6.2004 pending disposal of the appeal filed before the State Government.

5. Mr.Kansara, learned counsel for the petitioner states that since 30 days period of appeal got over on 30th July, 2004 the concerned authorities are insisting for implementing the order dated 29.6.2004. It is, therefore, submitted that till disposal of the appeal or until the interim prayer in the appeal is considered by the appellate authority, the order passed by respondent no.3 be stayed. Keeping in view the overall facts and circumstances of the case and considering that the concerned authority has not passed orders on the prayer for interim relief, in my opinion, the following order shall meet the ends of justice:

(i) The appellate authority shall decide the appeal filed by the petitioner on 30.7.2004 (Exhibit-B) as expeditiously as possible within four weeks from the date of receipt of this order.

(ii) The order dated 29.6.2004 passed by respondent no.3 shall remain stayed till disposal of the appeal and for a period of one week therefrom if the orders passed in the appeal are adverse to the petitioner.

(iii) The petitioner is directed to communicate this order to the concerned authority within one week from today.

. The Rule is, accordingly, disposed of in the aforesaid terms.

(D.B.Bhosale, J.)